**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,	**Case No. 3:14-cr-141**
	Judge Thomas M. Rose
v.	
JOHN M. SEMBER,	
Defendant.	

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**ENTRY AND ORDER GRANTING IN PART DEFENDANT'S MOTION IN
LIMINE TO PROHIBIT THE DISCUSSION IN ANY FORM OF
CLASSIFIED INFORMATION (DOC. 88)**

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This case is before the Court on Defendant John Sember's Motion in Limine to Prohibit the Discussion in any Form of Classified Information (Doc. 88).   Defendant requests an order barring the Government from discussing, in any form, classified information.   (Doc. 88 at 1.)   Defendant argues that—by the Government's own admission—none of the data, codes or other information at issue in this case is classified, and therefore any discussion of classified information would be irrelevant.   (*Id.* at 2 (citing Doc. 76 at PAGEID# 680, 685-86).)   Defendant further argues that permitting discussion of classified information would unfairly prejudice the Defendant and mislead the jury as to the relevant issues.   In response, the Government argues that the discussion of classified information would assist the jury in understanding the military classification system and the protections afforded to information within that system.   (Doc. 92 at 3-4.)   The jury needs that understanding, argues the Government, so that it can determine whether the allegedly stolen data and codes constitutes the Government's intellectual property.   (*Id.*)

The Court will permit the Government to introduce evidence regarding the military classification system generally, including where classified information fits within that system. Due to the justified concern that a lengthy discussion of classified information may mislead the jury, the Government should thereafter confine its presentation regarding the military

classification system to the specific category of information at issue in this case—which, based on the Court's current understanding of the evidence to be presented at trial, does not include any classified information.   Accordingly, the Motion in Limine is **GRANTED IN PART**, insofar as the Government is barred from presenting evidence and testimony regarding classified information beyond a general description of where it fits within the military classification system.

      DONE and **ORDERED** in Dayton, Ohio, this Friday, March 25, 2016.

s/Thomas M. Rose

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THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE